

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO 17-mj-30276

v.

STEVEN GILMORE,

Defendant.

**STIPULATION TO ADJOURN PRELIMINARY EXAM AND
COMPLAINT AND TO FIND EXCLUDABLE DELAY**

The United States of America and Defendant agree that there is good cause to adjourn the Complaint, and the Preliminary Exam in this case scheduled for July 13, 2017, to August 10, 2017. *See* Fed. R. Crim. P. 5.1(d). This extension of time is necessary to allow the parties to investigate the facts of this case further and engage in plea negotiations. Defendant concurs in this request and agrees that it is in his best interest. The parties further stipulate and agree that the complaint remains in full force and effect through the new date of August 10, 2017. The parties stipulate and agree that this stipulation and any order resulting therefrom shall not affect any previous order of pretrial detention or pretrial release.

The parties also stipulate and agree that they have been, and will continue to be, engaged in ongoing plea negotiations, from July 7, 2016, up to and through the new date of the preliminary examination, August 10, 2017. And the period of delay

between July 13, 2017, to August 10, 2017, should be excluded in calculating the time within which the defendant shall be indicted under the Speedy Trial Act as “other proceedings concerning the defendant.” 18 U.S.C. § 3161(h)(1). *See also United States v. Dunbar*, 357 F.3d 582, 593 (6th Cir. 2004), *vacated on other grounds (Booker)*, 543 U.S. 1099 (2005).

Additionally, the parties agree that the adjournment from July 13, 2017, to August 10, 2017, would serve the ends of justice, and that the failure to grant this continuance “would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence,” 18 U.S.C. § 3161(h)(7)(B)(iv). Therefore, “the ends of justice served by the granting of such continuance [will] outweigh the best interests of the public and the defendant in a speedy trial,” 18 U.S.C. § 3161(h)(7)(A), and the parties request an order to that end.

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July 10, 2017

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EASTERN DISTRICT OF MICHIGAN
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UNITED STATES OF AMERICA,

Plaintiff,

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v.

STEVEN GILMORE,

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**ORDER ADJOURNING PRELIMINARY
EXAMINATION AND COMPLAINT**

This matter coming before the court on the stipulation of the parties, it is hereby:

ORDERED that good cause exists to extend the complaint and Preliminary Examination in this case, scheduled for July 13, 2017, to August 10, 2017. *See Fed. R. Crim. P. 5.1(d);*

ORDERED that the complaint and the order of detention remain in full force and effect;

ORDERED that the period from July 13, 2017, to August 10, 2017, shall be excluded from computing the time within which an information or indictment must be filed under the Speedy Trial Act because the parties are engaged in plea negotiations and because the ends of justice served by such continuance

outweigh the interests of the public and the defendant in a speedy trial. *See* 18 U.S.C.

§§ 3161(h)(1) & (h)(7).

IT IS SO ORDERED.

s/Elizabeth A. Stafford

Elizabeth A. Stafford

United States Magistrate Judge

Entered: 7/11/2017